

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, OCTOBER 5, 2021, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Douglas Petersen, Council Member Christine Mikell (electronically)

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurses, Records Culture and Human Resources Director Paula Melgar (electronically)

1. Welcome – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

2. Review of Business Meeting Agenda – Mayor Peterson.

The agenda items were reviewed and discussed.

Mayor Peterson reported that after the Work Session, the Community Development and Renewal Agency (“CDRA”) Business Meeting would take place. During that meeting, the 2021 Annual Report would be shared and discussed. The Council would also consider a Resolution to adopt the report. Mayor Peterson stated that the CDRA Business Meeting would include discussions and consider an amendment to the Canyon Center Development Agreement as well.

The Regular Business Meeting would take place following the CDRA Business Meeting. There would be a public hearing on the proposed budget amendments. City Manager, Tim Tingey reported that the budget amendment would include American Rescue Plan Act (“ARPA”) funds. Some of the items related to those funds included Personal Protective Equipment (“PPE”), single audit costs, the Small Business Economic Assistance program, Utah League of Cities and Towns (“ULCT”) technical support, badge and automatic door system upgrades, and Recreation Service Area reimbursements. There was also a request for reimbursement to Wasatch Front Waste and Recycling as well as funds for a community survey, a transfer to the Capital Improvements Fund for open space funding, and a police wage market adjustment. Mayor Peterson asked what the unobligated Fund Balance would be after the adjustments are made. Finance and Administrative Services Director, Scott Jurses reported that the spendable Fund Balance would be approximately \$5.3 million.

Mayor Peterson reported that there would be a public hearing on the budget amendment. After that, there would be two Staff Quarterly Reports from the Police Department and the Public Works Department. There were also some action items scheduled, which included the 2021-2022 budget amendment, consenting to the appointment of Larry Alserda to the Parks, Trails, and Open Space Committee, and a Resolution authorizing the issuance and sale of not more than \$14.5 million of

sales tax revenue refunding bonds. Mayor Peterson reported that the City asked representatives to lock in the rate to save approximately \$75,000 per year. Mr. Tingey stated that Mark Anderson from Zions Bank would be at the Business Meeting to answer questions. Mayor Peterson stated that there was also an action item to approve and ratify a bid as well as award a construction contract for the Ferguson Park landscaping project, followed by the consent calendar.

3. Staff Reports.

a. COVID-19 City Safety Measures Discussion – City Manager, Tim Tingey.

Mr. Tingey stated that a memo was prepared and included in the packet. The memo included information from the Centers for Disease Control and Prevention (“CDC”). He reported that the Centers for Disease Control (“CDC”) recommended that even those who are fully vaccinated wear a mask indoors and in public spaces. Mr. Tingey reported that the Salt Lake County Health Department website requested that those who are fully vaccinated wear masks indoors and those who are not vaccinated wear masks both indoors and outdoors. Salt Lake County also required anyone entering their facilities to wear a mask. Mr. Tingey noted that Salt Lake City was still not meeting in person for their Council Meetings and individuals coming into the building are required to wear masks. In Cottonwood Heights, there was signage that strongly encouraged those who are unvaccinated to wear masks. While there was not a requirement for individuals attending City Council Meetings to wear a mask, it was encouraged.

Mayor Peterson discussed the City Council Members and City Staff present at the Work Session. He wanted everyone around the table to feel comfortable. He assumed that everyone present was vaccinated, otherwise, they would be wearing a mask. He stressed the importance of protecting City employees and appreciated that the administrative areas now have barriers. There was new signage on the front doors of the building, which was more pronounced and strongly encouraged masks to be worn. Mayor Peterson noted that anyone who feels uncomfortable attending City Council Meetings in person could attend virtually.

There was discussion regarding possible future events in the City. Mayor Peterson stated that the film festival was postponed since it was a large gathering. Last year, the Christmas social did not take place due to COVID-19 concerns. Mr. Tingey noted that the Trunk or Treat event would be held outdoors and there would be distance between the vehicles.

Council Member Bruce further discussed vaccinations and felt there should be a certain level of respect. If someone is not vaccinated, they should attend the meetings via Zoom. She stated that several weeks ago the City Council walked into the Council Chambers and there were several children present who were unable to be vaccinated. As a sign of respect, she and Council Member Mikell put masks on. A member of the public believed that it was a staged moment but it was simply a matter of respect. Anyone in the vicinity of someone unable to be vaccinated should wear a mask as a sign of respect. Mayor Peterson stated that masks were proven to be extremely effective and the CDC encouraged their use.

Council Member Mikell reported that she reached out to Mark Shaw, a resident and Emergency Room physician who serves on the Governor’s COVID Task Force and is an Emergency Planner

for Intermountain Healthcare (“IHC”). Mr. Shaw explained that they are not having in-person meetings at the IHC. Council Member Mikell noted that if the IHC was not having in-person meetings, it was important to think about how to hold meetings safely. She suggested that Council Members wear masks during meetings so that no one feels uncomfortable or singled out if they are not vaccinated. Additionally, she felt that if Salt Lake City requires people to wear masks in its buildings, it would be a good idea to require the same in Cottonwood Heights. The data suggested that the current number of COVID-19 cases is as high as they were one year ago when the Council was not meeting in person. Council Member Mikell stated that as City leaders, it is important to lead in uncomfortable situations. While requiring masks may be uncomfortable, it is necessary.

Council Member Bracken liked the City signage. He noted that at the last Council Meeting, there were a lot of attendees and he opened the doors and checked to see that the audio could be played in the lobby. That allowed anyone wishing to distance further to do so without missing the content of the meeting. Council Member Bracken also stated that public comments were shared in person and some via Zoom.

Mayor Peterson felt that wearing masks is not a political issue but a matter of public health and safety. He noted that the number of vaccinations had statistically made a difference. However, he still wears a mask when entering areas where he does not know if someone is vaccinated. He felt more comfortable in City Hall because he saw the efforts that had taken place. Mayor Peterson did not feel ready to mandate masks in City Hall but believed they should strongly encourage masks to be worn and be prepared to make adjustments as needed.

Council Member Bruce noted that one of the City departments was fully vaccinated and the other two were not. She wondered how the City would ensure safety for members of the public who interact with those unvaccinated employees. Mr. Tingey explained that due to HIPAA regulations, the City is unable to ask who is vaccinated. There are general vaccination numbers and they strongly encourage those who are not vaccinated to wear masks. It was noted that a lot of other employers are requiring masks and vaccinations. Mr. Tingey stated that this was something that was being debated in a lot of workplaces. Cottonwood Heights City was working with its insurance provider and there may be some incentive options to consider.

Mayor Peterson pointed out that within the Unified Fire Authority (“UFA”) it was known who is and is not vaccinated. Assistant Fire Chief, Riley Pilgrim stated that it is a matter of public safety and is important to protect employees and provide service to the community. Masks were mandated for anyone who is not vaccinated. In addition, there are levels of mask requirements depending on what is being done and whether someone is vaccinated. There was a protected list with all of the information.

Council Member Bruce wondered if it would be possible to implement a mandate specifying that if a department is not fully vaccinated, everyone must wear a mask. She was discouraged by the vaccination numbers shared by City Staff. Mr. Tingey reported that a little over 70% of the City employees are vaccinated. Council Member Bruce was concerned about certain department numbers. Mayor Peterson pointed out that some departments have greater vaccination numbers than others. He believed the Council recommendation was that masks be encouraged for those

who are unvaccinated. In addition, Mr. Tingey evaluated possible requirements for departments with low vaccination numbers.

Mayor Peterson wondered if police officers wear masks when they approach a vehicle. Police Chief, Robby Russo denied this and stated that it would be difficult to try to identify those who have not been vaccinated and impose a mask mandate. Mayor Peterson pointed out that both the Fire and Police Departments deal with public safety and the public has a right to feel safe. Council Member Bruce stated that a citizen is required to roll down their window if an officer approaches their vehicle. That officer could potentially expose that citizen to COVID-19 and she felt that risk was unacceptable. Mr. Tingey reported that City Staff would evaluate the possible options from an administrative perspective and share a report with City Council in the future.

b. Transportation Plan Review – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp discussed the Transportation Master Plan and noted that it had taken more time than anticipated due to challenges related to COVID-19. However, the draft plan was being reviewed by the Community and Economic Development, Public Works, and Engineering Departments. Those departments would make comments and the draft plan would be finalized in the next month or so. It would then be brought to the City Council for review and public comment and eventually back to the Council for adoption.

Mr. Shipp explained that the Transportation Master Plan is a document that Staff used to work with developers and property owners. It outlines road widths, bicycle lanes, sidewalks, and other types of transportation infrastructure that the department would like to see in the City as it develops. He noted that it was for both new development and redevelopment. The Transportation Master Plan also included traffic calming information. The plan would be an online document that residents, developers, and interested parties could interact with.

Mayor Peterson asked about the timeline. Mr. Shipp explained that there would be a public comment period after which it would need to be adopted by the City Council. The goal was to present something to the Council during the current year but adoption would likely not occur until the new year. He noted that the Public Works Department was still working on the timing.

c. Short-Term Rental Amendment – Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson discussed short-term rentals in Cottonwood Heights. He explained that there were some challenges and roadblocks related to enforcement but the City has full control over the City Ordinance. The amendment was reviewed by the Planning Commission and received a positive recommendation. The Ordinance amendment was now ready for Council consideration.

Mr. Johnson reported that the current Ordinance that governs short-term rentals permitted those rentals with a Conditional Use Permit in very limited areas. They were mainly allowed in multi-family or commercial areas that allow some sort of residential use. In addition, those areas need to be part of a private development, served by a private road system, and have at least eight units

within that private development. There were three primary areas where the majority of the legal short-term rentals took place and those were not the ones that caused issues.

Most of the issues were caused by illegal short-term rentals. Mr. Johnson explained that short-term rentals are specifically prohibited and illegal in single-family zones and that is where the majority of the issues are taking place. He reported that the State Code defines short-term rentals as fewer than 30 days and long-term rentals as more than 30 days. The City Ordinance currently states that short-term rentals are between three and 30 days and long-term rentals are 30 or more days. There were two references to penalties in the City Code. One was found in the Short-Term Rental Ordinance, which states that if a license is received for a short-term rental and the terms of that license are violated, the license may be revoked and could also be punishable per 1.08.020, with each day being a separate offense. 1.08.020 states as follows:

- Misdemeanor, punishable by imprisonment not to exceed 6 months or a fine in any sum less than \$1,000 (if the guilty party is a corporation, the fee may be increased to \$5,000).

Mr. Johnson described the citation process. When Code Enforcement was called, the officer had to gather evidence and present the case in court. Often, the penalty assessed by the judge is much less than the maximum possible fine. Another enforcement limitation was that the State Code did not allow the City to enforce solely based on website listings. That made enforcement time-consuming and resource-intensive. The amendment is intended to clarify the Short-Term Rental Ordinance. The proposed amendments included the following:

- Revise the definition of the short-term rental to match State Code:
 - Fewer than 30 consecutive days in duration.
- Added provisions:
 - Short-term rentals are strictly prohibited and are illegal in the City's single-family (R-1, RR, and F) residential neighborhoods;
 - Any rental of more than 30 consecutive days in duration is not a sham designed to avoid classification of such rental as a short-term rental;
 - Any rental of the same property for occupancy more than once in any 30-day period shall constitute a short-term rental.
- Clarification of violations:
 - Maximum penalty (per 1.08.020) added directly into the short-term rental chapter.

Mr. Tingey reported that earlier in the summer there were discussions with the ULCT related to short-term rental concerns. City Lobbyist, Brian Allen, met with some of the Legislators to discuss the challenges associated with short-term rentals as well. One of the representatives met with the Realtor Association but they were unwilling to support any changes to the enforcement components. For instance, permitting website listings as evidence of an illegal short-term rental. Mr. Tingey stated that it would be a continual process where the City works with the ULCT and Mr. Allen.

Council Member Mikell discussed affordable housing issues. She felt those issues were a direct result of short-term rentals. If single-family homes in Cottonwood Heights are being used as illegal

short-term rentals, it means there will not be affordable housing available for those who live and work in the City. As a City, she felt this issue needs to be one of the biggest priorities. Mayor Peterson agreed that it needs to be a priority with the Lobbyist. However, the intention of the current amendment was to correct a few areas of deficiency.

Council Member Mikell stressed the importance of pushing the issue of illegal short-term rental listings forward. Mr. Tingey explained that Mr. Allen met with some of the Legislators about the issue and it was a concern for the City. Mayor Peterson believed the Council was giving direction to City Staff to make it a priority item on the Legislative Agenda. They would also give administrative direction to City Staff to make it an item for the next Legislative Retreat with Mr. Allen. In the meantime, the City Council would tighten up the Ordinance to help mitigate some of the challenges associated with short-term rentals.

There was discussion regarding the timeline. Council Member Mikell noted that Mr. Allen needs to start redlining whatever bill has been enacted right away so that work can begin on it before the Legislative session begins. Mayor Peterson believed it was important to communicate with Mr. Allen to determine the best timing. Mr. Tingey explained that the process was already underway. Conversations had been taking place with Legislators since the summer and City Staff had been speaking to the ULCT. The item had been a priority since the summer and work had already begun. He agreed that work could be done as it related to redlining, but there needed to be Legislators that were willing to support it. Mayor Peterson suggested that further discussions take place with Mr. Allen.

Mr. Johnson reported that the Short-Term Rental Ordinance amendments would be brought back to the City Council for a public hearing and potential action in two weeks.

d. Parks, Trails and Open Space Committee Project Priority Discussion – Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that during the 2021-2022 budget adoption process, there was interest in funding some parks, trails, and open space projects throughout the City. The Council recommended that the Parks, Trails, and Open Space Committee discuss the matter further, prioritize projects, and recommend project ideas for Council consideration. That had been done over the last several Parks, Trails, and Open Space Committee Meetings and there were now three projects ready for consideration. Mr. Johnson explained that those projects included:

- Landscaping work at Mountview Park to supplement the existing landscaping with pollinator landscaping species. One of the ideas was to enhance the landscaping in the hillside area with some pollinator-friendly plant materials;
- Ferguson Trailhead upgrades with landscaping and an update of the informational signage. This would enhance and compliment the Ferguson Park and Trail Parking project that was already underway, but would require a partnership with Salt Lake County;
- Hammock poles at public parks. There was not a recommendation for a specific location, but it was recently implemented at Knudson Park in Holladay, Utah. Poles could be

installed into the ground at parks so visitors could attach hammocks. This was a passive park amenity that would help reduce damage to trees.

Parks, Trails, and Open Space Committee Chair, Jennifer Shah, further discussed the potential projects. She agreed that Mountview Park was the perfect place for additional pollinator species. That project would include the addition of those plants as well as some educational signage. As for the Ferguson Trailhead project, that would update the existing trailhead so it was seamless between the lower trailhead and the upper trailhead. There was also erosion on the hillside where the service area driving path was located that would need to be addressed. In addition, the signage there was largely faded or non-existent and that would need attention. Ms. Shah discussed the hammocks and pointed out that they could be multi-use. That type of infrastructure could be used not only for hanging up hammocks but for fixing slacklines.

Mayor Peterson asked that the Committee provide the Council with additional information and rough cost estimates for each project. In January, as part of the next budget process, the projects could be prioritized within the budget. He felt there was a considerable level of support in the community for parks and open space projects. Council Member Bracken agreed that additional information would be beneficial. Council Member Mikell served as the City Council Liaison for the Parks, Trails, and Open Space Committee and explained that the intention was for the projects to be considered during the current calendar year with a proposed budget amendment should the City Council agree. She was in full support of all three projects, pending a full estimate of the cost.

Mr. Johnson clarified that the goal was to present the ideas during the current meeting and make sure there were no major concerns from the City Council. City Staff would work with the Parks, Trails, and Open Space Committee to prepare more defined project scopes, details, and cost estimates. Those details would be brought back to the Council in the future.

4. Review of Calendars and Upcoming Events.

- a. **Cottonwood Heights Arts Council Art Show– October 4 -26 – City Hall.**
- b. **Cottonwood Heights Film Festival – October 9 – 4:30 p.m. to 9:00 p.m. – at the Butler Middle School Auditorium – (7530 South 2700 East Southeast Entrance).**
- c. **Trunk or Treat – October 29 – 3:00 p.m. to 4:30 p.m. at the Cottonwood Heights City Hall Parking Lot.**
- d. **Monster Mash/Skate Night – October 29 – 5:00 p.m. to 7:00 pm. at the Cottonwood Heights Recreation Center.**
- e. **Brighton High School – Full Circle, a Historic Committee Exhibit – November 1 through 19 (tentative dates) – City Hall.**
- f. **City Hall will be Closed November 11 in Observance of Veterans Day.**
- g. **City Hall will be Closed November 25 and 26 in Observance of the Thanksgiving Holiday.**
- h. **Light the Heights – November 29 – City Hall.**

The calendar items were not discussed further.

5. **Possible Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual.**

There was no Closed Meeting.

6. **Adjourn City Council Work Session.**

MOTION: Council Member Bracken moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:13 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BUSINESS MEETING HELD TUESDAY, OCTOBER 5, 2021, AT 6:20 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jorges, Records Culture and Human Resources Director Paula Melgar (electronically)

EXCUSED: Council Member Christine Mikell

1.0 WELCOME

Mayor Mike Peterson called the meeting to order at 6:20 p.m. and welcomed those present.

2.0 November 1 Report – CDRA CEO, Tim Tingey, and Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, reported that the above item relates to the Community Development and Renewal Agency (“CDRA”) 2021 Annual Report. The report is required for any city with CDA or CRA project areas. The State mandated that the report be filed annually by November 1 to provide a summary of each project area. Cottonwood Heights has one active project area, the Canyon Center, which was detailed in the report. Mr. Johnson explained that since the last report was filed, the tax increment period was triggered for the project area. As a result, the City would see the first revenues come back from that within the next few months. The report anticipated that the amount would be approximately \$570,000.

Mr. Johnson shared updates related to the project area. The parking structure opened at the end of last year and would be open for the full ski season in the current year. Additionally, the hotel was finished and open for occupancy and use. The restaurant was also open for public use. There was another retail pad beneath the hotel building that was currently under construction. Good progress had been made and the increment had been triggered. Mr. Johnson reported that the reporting requirements would change, effective January 1, 2022. Rather than reporting on November 1 and sending the report to all of the taxing entities, the report would be submitted by June 30 to the Utah Governor’s Office of Economic Opportunity.

Mayor Peterson asked about the timeframe for developing the one-acre of green space. CDRA CEO, Tim Tingey, reported that there were priority levels related to the tax increment funds. Enough money would need to be collected to move forward with the green space project. He believed that some of the initial increment would be used to develop a design and determine cost

figures related to the green space. Council Member Bruce suggested that as the one acre is developed that electricity be run to facilitate vendor booths for farmers markets.

Mayor Peterson inquired about the status of the apartments. Mr. Johnson reported that an update was received from the owner of the apartment pad. They requested a modification to split some of the previously approved larger units into smaller units to increase the unit count. The request would be discussed by the Planning Commission from mid-October to mid-November. Mr. Johnson expected the project to move forward in early 2022.

Council Member Bracken recalled that the development of the park area was weighted heavily toward the first few years. Mr. Johnson clarified that the green space area was listed as a Priority 2. Priority 1 was the reimbursement of the Salt Lake County loan that helped to fund the parking structure as well as the reimbursement to the Canyons School District for a portion of their participation. Mayor Peterson suggested that the designs for the green space be done earlier on in the process as a way to gauge the costs and expectations.

Mr. Johnson stated that there was recent State Legislation that allowed an extension of the collection period for project areas by two years. This was due to the economic impacts of the COVID-19 pandemic. That information was included by reference in the report.

2.1 Consideration of Resolution 2021-01 Adopting the CDRA's 2021 Annual Report.

MOTION: Council Member Petersen moved to APPROVE Resolution 2021-01 adopting the CDRA's 2021 Annual Report. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye; Council Member Bracken-Aye; Council Member Bruce-Aye; Mayor Peterson-Aye. The motion passed with the unanimous consent of the Council.

3.0 Amendment to the Canyon Centre Development Agreement – CDRA CEO, Tim Tingey, and Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that Senate Bill ("SB") 6001, which was part of the 2020 Special Session, allowed CDRA's to extend the collection period of certain project areas impacted by COVID-19 by up to two years. A request was received from Chris McCandless with the Canyon Center project asking to extend the collection period of the Canyon Center by two years. The extension, per the State Legislation, was applicable only if the City CDRA adopts a Resolution before December 31, 2021 and described the circumstances that resulted in the extension. Essentially, the CDRA needs to provide a rationale that conditions resulting from the COVID-19 pandemic would impact or delay the implementation of the project area plan.

Staff recommended approval of the request. Adding two years would allow more time for projects that were impacted by the pandemic due to supply chain issues, construction costs, and leasing challenges. As submitted by the applicant, the lease rates for market financing had gone down and the construction costs had increased. That impacted the ability to finance the projects in the current economic market. However, trends were pointing toward improvement, so adding two years would provide a suitable amount of additional time. Mr. Johnson noted that the estimated year of

collection was approximately \$570,000. Not extending the collection period by two years meant that the City would potentially lose out on over \$1 million of tax increment revenue. That revenue was necessary to pay back the County loan for the parking structure as well as to fund other improvements, such as the park.

Council Member Bracken wondered if the other taxing entities need to vote on the item. Mr. Johnson explained that it only requires action from the CDRA. If the Resolution was approved, in the June 30 report, the deadlines would be altered accordingly. Council Member Bracken asked if the CDRA had the option of reversing or changing the agreement. Mr. Tingey stated that it was an option through an amendment to the Development Agreement. Council Member Bracken wanted to know what would happen if the Canyon Center project was done earlier than expected. Mr. Tingey noted that most of the time, project areas are not completed early. If that occurs there would be an option to end the agreement early, but it was a process.

Council Member Bruce wondered what the two-year extension would do to the overall timeline. Mr. Johnson stated that the office building was most impacted and there was a deadline of completion in the current Development Agreement for December 2022. That would be extended by two years. Other than that, the amended Development Agreement would not impact any other elements of the project area. He believed the office building would be finished before enough funds are received to completely construct the City Park.

There was further discussion regarding the green space. Mr. Johnson noted that the park was not listed as Priority 1. The priorities were to repay the County and the Canyons School District. If there was a loss of revenue and the CDRA chose not to extend, the repayments would not be impacted, because that was where the budget priority was. On the other hand, the Priority 2 projects could be impacted. Council Member Bracken believed that full funding for the park was concentrated toward the first few years of the tax increment yield. Mr. Tingey commented that he had a spreadsheet to indicate what the first six years or so would look like. Significant portions would go toward the reimbursement on the loan from the County. If the increment amounts were not enough to cover the reimbursements, it would impact what happened with the rest of the project. However, there was 5% set aside for project administration, which could cover the design costs related to the green space. Mayor Peterson felt it was important to start that process.

3.1 Consideration of Resolution 2021-02 Approving a Second Amendment to the Development Agreement for the Canyon Centre.

MOTION: Council Member Bracken moved to APPROVE Resolution 2021-02 approving a Second Amendment to the Development Agreement for the Canyon Centre. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye; Council Member Bracken-Aye; Council Member Bruce-Aye; Mayor Peterson-Aye. The motion passed with the unanimous consent of the Council.

4.0 Updates on the Proposed CDRA Project Areas – CDRA CEO, Tim Tingey, and Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that before the pandemic, staff received direction to proceed on two community reinvestment areas including the Gravel Pit and the Town Center Project at Fort Union Boulevard and 2300 East. Initial discussions were delayed due to shifting County priorities and the pandemic response. Shortly thereafter the Economic Development Division was restaffed and it took time to get back up and running. There had been a few preliminary meetings and the City was now ready to get back into project area negotiations. One of the pieces of feedback the City received from the County had to do with concerns related to the Fort Union and 2300 East Project. They wanted to see projects that were of regional significance and there were certain benchmarks that needed to be met. A lot of the preliminary feedback suggested focusing more immediately on the Gravel Pit while additional work was done on the Fort Union and 2300 East project. Staff recommended moving forward immediately with the Gravel Pit and working to revamp the Fort Union and 2300 East Project Area to better meet the terms and conditions desired by the County.

Mr. Tingey participated in a number of meetings with the ULCT over the summer. One of the things that the Governor's Office was proposing was limiting incentives for retail projects. The ULCT was trying to counter that proposal. Mr. Tingey commented that this would likely be an issue discussed through the Legislative Session. Mayor Peterson suggested moving forward with the Gravel Pit since there was current support for that project area. He did not believe, however, that the City should drop the idea of the Fort Union and 2300 East project area. Mr. Johnson clarified that the Fort Union Boulevard and 2300 East proposal would not be dropped but would need to be revamped to better meet the taxing entity's expectations.

5.0 APPROVAL OF MINUTES

Mayor Peterson reported that the minutes would be sent to the Council Members and comments could be shared. Otherwise, they would stand approved three days following the review period.

6.0 ADJOURN

MOTION: Council Member Bruce moved to ADJOURN the CDRA Business Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, OCTOBER 5, 2021, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurges, Records Culture and Human Resources Director Paula Melgar

EXCUSED: Council Member Christine Mikell

1.0 WELCOME

Mayor Peterson called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge was led by City Manager, Tim Tingey.

3.0 CITIZEN COMMENTS

Mr. Tingey reported that *Lee Anne Walker* submitted an item for inclusion as part of the Citizen Comment portion of the meeting. It would be forwarded to the City Council Members for review and included with the minutes.

Tim Hallbeck shared comments related to the recent power outage. He believed there should have been more police presence at the different intersections while the outages occurred, as certain areas were without power for nearly one hour. Mr. Hallbeck suggested that the City ask for more police presence to handle traffic issues during such instances. Mayor Peterson felt that was a good reminder. He noted that it had been a challenge to get through some of the intersections.

There were no further citizen comments.

4.0 PUBLIC COMMENT

4.1 Proposed Budget Amendment for 2021-2022 Fiscal Year – Introduction by Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges reported that the proposed Budget Amendments for the 2021-2022 Fiscal Year were reviewed over several meetings. However, he overviewed some of the items directly related to the first receipt of the American Rescue Plan Act

(“ARPA”) funds. Cottonwood Heights received \$2,002,670. The first amount listed on the spreadsheet was a transfer to the Storm Water Fund for \$1,220,488 to handle stormwater projects. There were also single audit costs, which were audits required when a certain level of Federal Funding was exceeded. Mr. Jurgens noted that there was also \$30,000 for Personal Protective Equipment (“PPE”) and \$200,000 for the Small Business Economic Assistance program. There was \$8,000 listed for the Utah League of Cities and Towns (“ULCT”) technical assistance, \$130,000 related to a badge and automatic door system upgrade, and the Cottonwood Heights Recreation Service Area, which qualified for a revenue reimbursement of approximately \$398,257.

Mr. Jurgens reported that there was a request from Wasatch Front Waste and Recycling District for \$5,886 related to COVID-19 leave and PPE items. That request would not qualify for the APRA funds. There was also a community survey that would help prepare for the upcoming budget and would likely cost \$16,000. Mr. Jurgens overviewed the police wage market adjustment. The estimated annual cost was \$484,102. Since it would be implemented at a partial period, it would be \$363,077 in the current budget.

The Storm Water Fund showed the transfers coming in from the General Fund. Some items had already been budgeted and some needed to be added. For instance, the critical investigation of the existing storm drain system had a total cost estimate of \$825,000. \$307,500 was already budgeted and so the remaining \$517,500 was needed for the project. Timberline Drive and Quicksilver Drive Waterway Work had \$101,772 budgeted and the cost was an estimated \$173,160. An additional \$71,388 would be needed to complete that work. Mr. Jurgens stated that the Alta Hills Drive stormwater replacement cost was \$194,250. Nothing was currently budgeted, so the full amount was recommended to be budgeted. The Keswick Road stormwater replacement cost was \$856,250, but it was used as the stopgap to ensure that the \$2,002,670 was not exceeded. It was budgeted at \$28,078 to complete whatever could be done. The remaining \$828,172 would be budgeted when the second distribution of the ARPA funds was received.

Mr. Jurgens reported that the Capital Improvements Fund had a net of \$2,727,453. Budgeting the trip hazard had been omitted during the original budgeting process but there was Fund Balance in the Capital Improvements Fund to cover that. The open space funding was offset by the transfer in from the General Fund and there was additional Ferguson Park funding. Mr. Jurgens stated that that was the extent of the recommended budget adjustments for fiscal year 2021-2022.

Mayor Peterson noted that three years ago it was projected that a tax increase would take place in the current year due to declining revenues and increasing expenses. This did not occur and the balances were healthier. He asked Mr. Jurgens to speak to the unobligated Fund Balance. Mr. Jurgens stated that after the transfers there would be approximately \$4.5 million or \$4.6 million of unobligated Fund Balance. With the under expenditure, that number would be closer to \$5.3 million. Mayor Peterson complimented the Council and staff for the healthy budget. Council Member Bruce stated that the ARPA funds were a bonus.

Mr. Jurgens explained that sales taxes had been high, which benefited the City. The City also held expenditures down for a good period of time when there were concerns about the revenues. In addition, the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funds and ARPA funds had helped. He clarified that the ARPA funds did not go directly to the Fund Balance, but

they allowed the City to do a lot more. Mayor Peterson believed that Federal assistance, the Cottonwood Heights constituents, City Staff, and City Council all contributed toward a healthy budget.

Council Member Petersen wondered if they had been able to verify what online shopping brought into the City. Mr. Jurgas stated that the non-store retailers represented 11% of taxable sales within the City in 2020. From January through July 2021, it represented 12%. He explained that only retail food and beverage stores and retail general merchandise stores were higher. Cottonwood Heights was becoming more diversified in terms of where sales tax revenues are coming from.

Mayor Peterson opened the public comment session. There were no public comments. The public comment session was closed.

5.0 STAFF QUARTERLY REPORTS

5.1 Police Report – Police Sergeant Dan Morzelewski.

Police Sergeant, Dan Morzelewski shared the September 2021 Statistical Report for the Cottonwood Heights Police Department. Calls for service had trended downward over the last three months, which created more opportunities for on view work. Sergeant Morzelewski overviewed the response times for September. The average dispatch time for a Priority 1 call was 2:34 and travel time was 4:34, for an average total response time of 7:08. The average dispatch time for a Priority 2 call was 3:10 and travel time was 3:58, for an average total response time of 7:08. The average dispatch time for a Priority 3 call was 5:47 and travel time was 5:26, for a total response time of 11:13. He shared statistics for the response times over the last six months.

The UCR crime report compared data from September 2020 and September 2021. Sergeant Morzelewski stated that all of the numbers were down, minus burglaries. There were seven in 2021 compared to six in 2020. Thefts and stolen vehicles were down significantly. The arrest numbers for the last three months were shared. There were 73 in July, 77 in August, and 65 in September. There were five juvenile arrests in July, 10 in August, and eight in September. The traffic citations were reviewed. Sergeant Morzelewski reported that there was a large increase for the quarter. It started at 132 citations in July, increased to 187 in August, and was now at 263 for September. Warnings also trended upward, but DUIs were down slightly. Accidents were also down slightly, with 44 in July, 41 in August, and 38 in September.

Sergeant Morzelewski shared information related to Animal Control and Code Enforcement. There were 60 calls for service related to Animal Control, 49 Code Enforcement calls, and 38 traffic enforcement calls, which totaled 147 total calls for service. He noted that traffic enforcement was largely parking enforcement. In terms of citations, there were three issued for animal control, six for Code Enforcement, and six for traffic enforcement, which totaled 15 total citations. There were two attended deaths and one unattended death in September.

Some highlights from the last three months were shared. For instance, the Awards Banquet took place as did the Big Cottonwood Canyon Marathon, the Ridge Crest Fun Run, and the 4th of July parades. Sergeant Morzelewski shared a safety message related to trick or treating safety.

Mayor Peterson noted that in previous reports, there were maps showing where the calls for service were taking place in the City. Police Chief, Robby Russo stated that it would be included in the report next month. Mayor Peterson found the maps to be valuable because they allowed the City Council to see where the Police Department is focusing its resources.

Council Member Petersen made note of the issues with the Valley Emergency Communications Center (“VECC”). He wondered if they had improved. Mr. Tingey represents the City on the VECC Board. While VECC was making progress due to changes made to the phone systems, continued improvement was necessary. That was something that he emphasized at the Board level every month. He added that VECC some changes that impacted non-911 calls. This impacted customer service, which was very concerning for Cottonwood Heights. He expressed those concerns. Council Member Petersen felt it was important for the non-911 numbers to be readily available. Chief Russo reported that there were magnets and stickers that had the non-emergency numbers printed on them. Mayor Peterson suggested that the newsletter further educate the public about those non-911 numbers to make sure the 911 response times were not jeopardized.

There was discussion regarding Nantucket Drive and the number of citations there. Council Member Bruce wondered if there was a design issue that could be fixed. Mr. Tingey noted that there had been a lot of issues in the last several weeks on Nantucket Drive and the surrounding areas. There were a number of concerned residents. Enforcement had been done and some elements had been looked at as far as design. Some things were in place, but others could be looked at further in the future. Chief Russo stated that there were traffic calming programs that addressed a lot of the issues. Mayor Peterson felt it was important to continue to look at the design and traffic calming options as well as focus on enforcement and education.

5.2 Public Works Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp shared the Quarterly Report for the Public Works Department. He explained that there would be Capital Project updates related to the following items:

- Roundabout;
- Ferguson Canyon Park;
- City Striping;
- 2600 East Sidewalk;
- 1700 East Sidewalk;
- Winesap Area Reconstruction;
- Alpen Way Reconstruction; and
- Year 4 of the Five-Year Maintenance Plan Bid.

The striping was discussed. Mr. Shipp explained that the bid had gone out but was canceled as the paint and glass beads would take approximately six months to order and they were unable to hold bids that long. As a result, it was canceled and striping would not be done until Spring 2022. Mr. Shipp reported that the roundabout project had gone out to an open public bid and was to close in two weeks. The Public Works Department was still on schedule for construction. He believed the

contract was for December through September. This did not mean that the construction would take place during the winter months but the timeline would give the construction crew the ability to come in and do some work on the side of the roads. For instance, prep or move utilities. The real work would begin in May 2022 to have as much done as possible through the summer months.

The City Council would vote to approve the contract for the park construction for Ferguson Canyon Park during the current City Council Meeting. Mr. Shipp explained that the park would be built in two sections. The first was the City Park portion and the second was the parking lot portion. The latter was a Federal Aid project. Since there were different funding sources, the projects would be built at different times and could not be built with the same contractor under the same contract. He reported that there was a Federal and Utah Department of Transportation (“UDOT”) process that would take longer than the City process. The City Park portion would be started first and the parking lot portion would follow. He reiterated that these were two distinct projects.

The 2600 East and 1700 East sidewalks were currently under design and the surveys had been completed. As soon as something was laid out the project would move forward. Mr. Shipp discussed the Winesap Area Reconstruction. He explained that the asphalt would come off, there would be some curb and gutter work, waterways, as well as new and upgraded Americans with Disabilities Act (“ADA”) ramps. He explained that whenever a neighborhood or road is reconstructed there are ADA accessibility requirements to either put in new ADA ramps or upgrade the existing ramps. Some questions had been raised by residents and Council Members related to the project.

Mr. Shipp stated that the curb and gutter being replaced as part of the Winesap Area Reconstruction was curb and gutter that had sagged and was in poor condition as it relates to drainage. Some portions of the curb and gutter were unsightly but still flowed well and would not be replaced. The worst areas would be handled. Mr. Shipp explained that the reason for this was that there was a limited budget. While the City Council had been generous in allotting the budget every year so far for the five-year plan, there was still a limited amount. To do a curb and gutter project in a neighborhood of that size would cost approximately \$400,000 and there was only \$390,000 allotted to do all of the construction there. Sample photos of the construction work were shared.

Council Member Bracken wondered if residents in the area would be eligible for the 50/50 program under the same contractor. Mr. Shipp stated that the Public Works Department was not encouraging or discouraging the contractor to work with residents. If a resident wanted their curb and gutter done, they could apply for the 50/50 program and could work directly with the contractor. However, the contractor had a deadline and a timeframe. If they could fit in the additional work, that was fine, but the contractor was required to show that there was an agreement in place with the resident for payment. They were also required to state that the additional work would not impact the timeline for the project itself.

Mr. Shipp discussed the Alpen Way Reconstruction Project. He explained that this was a similar project type to the Winesap Area Reconstruction, as it includes curb and gutter and some drive approaches as well as waterways and upgraded ADA ramps. Paving would begin for the project within the next two weeks.

Council Member Petersen asked about the plants for asphalt. Mr. Shipp reported that the plants traditionally shut down in mid-November. The work could be pushed into November, depending on weather conditions and if the plant remains open. Mayor Peterson wondered how far into the five-year plan the City currently was. Mr. Shipp explained that the projects discussed were part of the third year. The Public Works Department recently put out a public bid for the fourth year. That included the slurry, crack seal, chip seal, and reconstruction projects. Those projects would not start until Spring 2022. During the last City Council Meeting in November, the Public Works Department would share a plan for the next five years for Council to review.

Council Member Petersen wondered if the 1700 East sidewalk would be completed next year. Mr. Shipp explained that the City Council directed them to put in an application for the State Transportation Alternatives funds, which was a supplement and would need to be ready for construction next year. If those funds were obtained and were combined with the funds already allotted, he believed they could move forward and construct 1700 East next year. It would be ready to go out to bid in January 2022 and they would know by then whether the additional funds had been obtained. Currently, the City Council had approved the Public Works Department to design, look into the property and bring back a cost estimate for the actual construction. They had not received approval to move forward with the actual construction.

Mayor Peterson brought up the Ferguson Canyon Park project. He believed it was important that the Ferguson Canyon Trailhead and wayfinding signs connect to the park signage. The appearance and aesthetics needed to be similar and connected. Mr. Shipp reported that the Public Works Department was working closely with Mr. Johnson on that matter.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 369 Approving an Amendment to the 2021- 2022 Budget.

Council Member Bruce noted that there had been an adjustment for police salaries. She wondered where that put the City in the rankings. Mr. Tingey reported that Cottonwood Heights is in the top three in the Valley. Mayor Peterson noted that the Fire Department is among the top three and it made sense to have consistency. Council Member Bracken appreciated the work that Messrs. Jurgens and Tingey had done on the budget amendment.

MOTION: Council Member Bracken moved to APPROVE Ordinance 369 approving an amendment to the 2021-2022 Budget. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2021-48 Consenting to an Appointment to the Parks, Trails, and Open Space Committee.

Mayor Peterson reported that the above item related to the appointment of Larry Alserda to the Parks, Trails, and Open Space Committee. Mr. Tingey stated that there was an opening on the

Committee and both he and Mr. Johnson interviewed Mr. Alserda about his background and desire to serve on the Committee. Mr. Alserda has a lot of experience as a Water Resource Engineer and could provide insight in that area. This would be beneficial to the Parks, Trails, and Open Space Committee. Staff recommended the appointment of Mr. Alserda.

MOTION: Council Member Bruce moved to APPROVE Resolution 2021-48 consenting to an appointment to the Parks, Trails, and Open Space Committee. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

6.3 Consideration of Resolution 2021-49 Authorizing the Issuance and Sale of Not More than \$14,500,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2021 and Related Matters.

Mayor Peterson reported that the above item relates to the issuance and sale of not more than \$14.5 million of sales tax revenue refunding bonds. He noted that the item was discussed during the Work Session. It would take the bonding that paid for the building, refund them, and reissue those at a lower rate to save approximately \$75,000 per year. Mayor Peterson noted that even if the City Council chose to approve the Resolution and save that money annually if a similar opportunity presents itself in the future, the Council would have the right to partake in the process again.

Council Member Bracken wondered if it would be possible to take the money and pay the principal early. Mark Anderson from Zions Bank stated that the City could structure it to where the bond was paid off a year sooner and had higher principal payments throughout the life of the bond. However, the way it is currently configured replicates the existing terms of the two bonds that were being refunded. Council Member Petersen believed the City was locked into a rate and that it had gone up a bit since that rate had been locked. Mr. Anderson confirmed this. He noted that the rates went up and down but the market seemed to think that interest rates would increase.

There was discussion regarding the timeline. Mr. Anderson reported that notice of the intent to lock the interest rate was given on September 27, 2021, and the intent was to close the bonds on October 27, 2021, assuming the Council adopts the Resolution tonight. Council Member Bruce wondered if the City would be locked in before October 18, 2021. Mr. Anderson stated that he spoke to staff about that earlier. Typically, the City would fund the escrow for the bonds that were not yet callable through the purchase of State and Local Government Securities. Since the Federal Government had not increased the debt limit, State and Local Government Securities were not available for purchase. As a result, they were looking for open-market securities. He anticipated the rates would be locked in on October 12, 2021.

MOTION: Council Member Bracken moved to APPROVE Resolution 2021-49 authorizing the issuance and sale of not more than \$14,500,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2021, and related matters. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

6.4 Consideration of Resolution 2021-50 Approving and Ratifying a Bid and Awarding a Construction Contract for the Ferguson Park Landscaping Project.

Mayor Peterson reported that the above Resolution approves and ratifies a bid and awards a construction contract for the Ferguson Park Landscaping Project. He noted that the contract came in slightly underbid and the project was moving ahead rapidly.

MOTION: Council Member Bruce moved to APPROVE Resolution 2021-50 approving and ratifying a bid and awarding a Construction Contract for the Ferguson Park Landscaping Project. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the City Council Work Session and Business Meeting Minutes for September 21, 2021.

Council Member Bruce pointed out that two public comments were made that were derogatory toward her. There was a policy that all public speakers be identified and neither of those making comment were identified by name. Mayor Peterson clarified that it was not a policy but something the City strongly requested. In the future, if the names of speakers are not provided, he would be sure to ask those present to clearly state their names.

MOTION: Council Member Petersen moved to APPROVE the City Council Work Session and Business Meeting Minutes for September 21, 2021, with the note that two individuals had not identified themselves during the public comment period. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Nay, Mayor Mike Peterson-Aye. The motion passed 3-to-1.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bruce moved to adjourn the City Council Business Meeting. There was no second. The motion passed unanimously.

The meeting adjourned at 8:13 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work, CDRA, and Business Meetings held Tuesday, October 5, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: October 19, 2021